

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

MAX E. TAYLOR, JR.,

*

Plaintiff,

*

v.

Case No. 1:10-cv-02348-BEL

*

ENTERPRISE HOMES, INC. et al,

*

Defendants

*

* * * * *

**STIPULATION AND CONSENT ORDER REMANDING CASE
TO CIRCUIT COURT FOR BALTIMORE CITY**

Plaintiff, Max E. Taylor, Jr., and defendants Enterprise Homes, Inc., Enterprise Community Partners, Inc., Enterprise Community Investment, Inc., Rheem Manufacturing Company*, and Ednor Apartments II Limited Partnership, by their respective undersigned counsel, hereby stipulate as follows:

1. On August 11, 2010, plaintiff filed this case in the Circuit Court for Baltimore City and it was assigned Case No. 24C10005845.
2. On August 25, 2010, defendants Enterprise Homes, Inc., Enterprise Community Partners, Inc., Enterprise Community Investment, Inc., and Rheem Manufacturing Company (collectively, "Removing Defendants") removed Case No. 24C10005845 to the United States District Court for the District of Maryland.
3. On August 30, 2010, defendant Ednor Apartments II Limited Partnership ("Consenting Defendant") entered its consent to the removal.
4. As of the date of this stipulation, no defendants other than Removing Defendants and Consenting Defendant have entered their appearance in this case.

* Rheem Manufacturing Company was named incorrectly in the complaint as "Rheem Manufacturing Company, d/b/a Ruud Water Heater Division."

5. On August 30, 2010, plaintiff filed a motion to remand, an accompanying memorandum of law, exhibits, and a proposed order (collectively, "Motion to Remand"). Plaintiff sought to remand this case to the Circuit Court for Baltimore City. Among other relief, plaintiff requested payment for expenses and attorneys' fees in connection with the Motion to Remand.
6. Based on additional information about plaintiff's citizenship provided in the Motion to Remand and upon learning additional information about when service was effectuated on some of the defendants, Removing Defendants and Consenting Defendant hereby agree that remand to the Circuit Court for Baltimore City is appropriate as complete diversity of citizenship appears to be lacking and some of the resident defendants were served before the Notice of Removal was filed.
7. Plaintiff hereby agrees to withdraw his request for payment for expenses and attorneys' fees in connection with the Motion to Remand.

WHEREFORE, upon consideration of the above stipulation and the consent of the plaintiff, Removing Parties and Consenting Party, as indicated by their respective attorneys' signatures below, and good and just cause appearing, it is this ___ day of September, 2010, by the United States District Court for the District of Maryland, **ORDERED**:

1. This case shall be immediately remanded to the Circuit Court for Baltimore City;
2. The plaintiff's request for payment of expenses and attorneys' fees in connection with the Motion to Remand is hereby deemed withdrawn;
3. The Clerk is directed to take all necessary steps to effectuate this remand promptly; and
4. The Clerk will transmit copies of this Stipulation and Consent Order Remanding

Case to Circuit Court for Baltimore City directly to all parties listed below and
CLOSE this case.

Benson E. Legg
United States District Judge

CONSENTED AND AGREED TO BY:

Robert J. Weltchek/ecd

Robert J. Weltchek
Kristopher A. Mallahan
Nolan J. Weltchek
Nathan W. Hopkins
Weltchek Mallahan & Weltchek LLC
2330 W. Joppa Road, Suite 203
Lutherville, MD 21093
Attorneys for Plaintiff

Peter E. Keith/ecd

Peter E. Keith (Federal Bar No. 01483)
Hillary H. Arnaoutakis (Federal Bar No. 28808)
Gallagher Evelius & Jones LLP
The Park Charles
218 N. Charles Street, Suite 400
Baltimore, MD 21201
*Attorneys for Defendants Enterprise Homes, Inc., Enterprise Community Partners, Inc., and
Enterprise Community Investment, Inc.*

Thomas P. Bernier/ecd

Thomas P. Bernier (Federal Bar #02141)
SEGAL, MCCAMBRIDGE, SINGER & MAHONEY, LTD.
One North Charles Street, Suite 2500
Baltimore, MD 21201
Attorneys for Defendant Ednor Apartments II Limited Partnership

E. Charles Dann, Jr.

E. Charles Dann, Jr. (Federal Bar No. 00795)
ecd@gdldlaw.com
GOODELL, DEVRIES, LEECH & DANN, LLP
One South Street, 20th Floor
Baltimore, Maryland 21202
Attorneys for Defendant Rheem Manufacturing Company

CC: Govans Ecumenical Development Corporation
Mitchell Posner, Resident Agent
5513 York Road
Baltimore, Maryland 21212

Harkins Builders, Inc.
Gary Garofalo, Resident Agent
2201 Warwick Way
Marriottsville, Maryland 21104

Marks, Thomas Architects, Inc.
c/o Mark Jensen, Esq.
Bowie & Jensen, LLC
28 W. Susquehanna Ave.
6th Floor
Towson, Maryland 21204

Allen Shariff Corporation
c/o Resagent, Inc.
7 Saint Paul Street
Baltimore, Maryland 21202

Habitat America LLC
Catherine J. Murphy, Resident Agent
Suite 202
175 Admiral Cochrane Drive
Annapolis, Maryland 21401